**S.B. Civil Second Appeal No.137 Of 2003.**

**Dapubai Vs. Rambilas & Others.**

**Date Of Order ::: 27.11.2006.**

**Hon'ble Mr. Narendra Kumar Jain J.**

Mr. J.P. Gupta, Counsel for defendant-appellant
Mr. V.K. Tamoliya, Counsel for plaintiff-respondents

**BY THE COURT :**

Heard learned counsel for the parties.

Learned counsel for the plaintiff-respondents has filed an application today in the Court along with the copy of the compromise entered in between both the parties. He submits that the parties have entered into A compromise out of the Court and in view of the compromise the present second appeal has become infructuous.

Learned counsel for the defendant-appellant submits that he has no knowledge about the compromise, but in view of application filed by the respondents the appeal may be disposed of.

After considering the submissions of learned counsel for both the parties, the application filed by the respondents is allowed.

Consequently, the second appeal is dismissed as having become infructuous with no order as to costs.

However, it will be open for the appellant to move an application for recalling of the order, in case it comes to his knowledge that the appellant has not put her signature on the compromise and the compromise is fake.

**(Narendra Kumar Jain) J.**

ashok/